

HOUSE JOINT RESOLUTION NO. 21

INTRODUCED BY R. LAIBLE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING A COLLABORATIVE PROCESS STUDY TO ADDRESS ISSUES REGARDING THE NEED TO BALANCE THE NECESSARY MANAGEMENT OF FOREST FUELS WITH THE AIR QUALITY CONCERNS RESULTING FROM PRESCRIBED WILDLAND OPEN BURNING AND TO PROVIDE SOLUTIONS TO THE 58TH LEGISLATURE.

WHEREAS, the constitutional right to a clean and healthful environment includes being free from unreasonable degradation having a significant impact on the environment, and this right is anticipatory and interpreted in conjunction with Article II, section 3, of the Montana Constitution, Article IX, section 1, of the Montana Constitution, and the preamble of the Montana Constitution; and

WHEREAS, the year 2000 drought and fire season resulted in catastrophic wildfires that consumed over 1 million acres of private, state, tribal, and federal lands and resulted in significant impacts on air quality and other aspects of the physical and human environment; and

WHEREAS, given the requisite climatic circumstances, all forests and wildlands will eventually burn, and the severity of those burns and the impacts on the physical and human environment are directly dependent on the amount of fuel buildup within those forest and wildland environments; and

WHEREAS, the reduction of fuel loading in forests and wildlands, particularly those within urban-rural interface areas, on a planned and incremental basis can reduce the potential for catastrophic wildfires and the unavoidable significant impacts to air quality that result; and

WHEREAS, prescribed wildland open burning is a necessary and valuable tool for managing the buildup of forest fuels; and

WHEREAS, government restrictions on the use of open burning to manage air quality may inadvertently contribute to the buildup of forest and wildland fuels, which may result in catastrophic wildfire events and the uncontrolled significant degradation to air quality and other serious impacts on the physical and human environment.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE

1 STATE OF MONTANA:

2 (1) That the Legislative Council be requested to designate an appropriate interim committee,
3 pursuant to section 5-5-217, MCA, or direct sufficient staff resources to conduct a study that addresses
4 the issues regarding the need to reduce forest and wildland fuel loading through a more flexible open
5 burning policy when fire danger is at an acceptable level.

6 (2) That the study be conducted through a collaborative process that includes participants from
7 the forest industry, the Legislature, and other appropriate state and federal agencies.

8 (3) That the study include but not be limited to an analysis of the following issues:

9 (a) evaluating when the limited degradation of air quality from prescribed wildland open burning
10 may be preferred and permitted in order to minimize the buildup of forest and wildland fuels and the
11 potential for catastrophic fires and the resulting significant environmental impacts;

12 (b) analyzing when the limited degradation of air quality may be authorized if there are no
13 economically, environmentally, or technologically feasible alternatives available that would result in no
14 degradation;

15 (c) evaluating when important long-term social or economic benefits of forest fuel reduction and
16 management projects exceed the short-term limited degradation of air quality;

17 (d) determining whether there are discriminatory practices in the authorization of prescribed
18 wildland open burning between private, state, and federal landowners; and

19 (e) determining whether prescribed open burning exemptions can be made for certain agricultural
20 and private property fuel management burns.

21 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
22 presented to and reviewed by an appropriate committee designated by the Legislative Council.

23 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
24 requirements, be concluded prior to September 15, 2002.

25 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
26 comments, recommendations of the appropriate committee, legislative proposals, and recommendations
27 for administrative rules, be reported to the 58th Legislature.

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